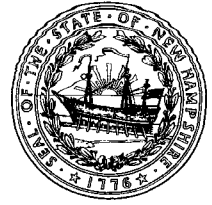




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-033**

April 14, 2006

Shaun Hathaway
585 Gillman Pond Rd
Newport, NH 03723

RE: DES Wetlands File #2003-02119 Gilman Pond Rd, Unity

Dear Mr. Hathaway:

On March 28, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection and met with you on the above referenced property, more specifically referenced on Town of Unity Tax Map J8 as Lot 444 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A culvert for temporary access had been installed for logging activities in 2003. The culvert and fill had not been removed following the completion of the forestry activities.
2. Approximately 40 linear feet of stream bank had been rutted and impacted.
3. Approximately 40-60 linear feet of sediment had been deposited in the stream channel as a result of erosion at the non permitted crossing.

In addition, recently disturbed areas with wetland vegetation present were observed adjacent to the stream. Before further excavation for a pond or any soil disturbance takes place it was suggested that a wetland delineation be conducted in this location and a permit be obtained prior to work should the area be determined to be jurisdictional.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Include provisions for removing the crossing, including the culvert and associated fill and stabilizing the stream banks and on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with stream boundaries, including the existing location of the crossing and stream bank impacts; and
 2. Location and type of the proposed means of erosion control;

b. A detailed description of the proposed stabilization including re-establishing vegetation for stream bank stabilization.

c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. Restoration activities should be completed by July 1, 2006. The construction sequence should include methods and timing for the following activities:

1. Removal of the culvert and associated fill during low or no flow conditions;
2. Re-establishing the original grade on the stream bank;
3. Re-grading and stabilizing the stream bank impacts caused by rutting;
4. Planting of vegetation, including a wetland seed mix and shrubs at least 3 feet tall on the stream bank; and
5. Removal of the sediment in the stream channel using hand tools.

d. A description of the method of documenting the site stability and at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum an initial monitoring progress report, including photo documentation, immediately following completion of the restoration activities and additional photo documentation / monitoring reports in October 2006 and June 2007.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Adams", is written over a large, bold, black "COPY" stamp. The signature is written in dark ink.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL _____

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Unity Conservation Commission
Unity Board of Selectmen
USACOE